



**NORTH CAROLINA GENERAL ASSEMBLY
AMENDMENT
House Bill 488**

AMENDMENT NO. _____
(to be filled in by
Principal Clerk)

H488-ASV-36 [v.8]

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Amends Title [NO]
Fifth Edition

Date _____, 2023

Senator Lazzara

1 moves to amend the bill on page 9, line 7, by rewriting the line to read:
2 "~~procedure set forth in G.S. 143-136(e), shall perform a comprehensive review and revise or~~
3 amend the North Carolina ~~State Building~~";

4
5 and on page 9, line 15, by rewriting the line to read:
6 "effective January 1, ~~2019~~, 2031, and every six years thereafter. After its appointment pursuant
7 to G.S. 143-136.1, the Residential Code Council shall review the North Carolina Energy
8 Conservation Code, the North Carolina Fuel Gas Code, and the North Carolina Mechanical Code
9 and may amend the relevant chapters of the North Carolina Residential Code, affected by that
10 review, by January 1, 2026. Following the adoption of amendments to the North Carolina
11 Residential Code affected by that review, the North Carolina Residential Code shall also be
12 subject to the first six-year revision under this subsection. In adopting any amendment, the";

13
14 and on page 18, line 25, by rewriting the line to read:
15 "**SECTION 1.(m)** G.S. 160D-1110, as amended by Section 2(g) of this act, reads as
16 rewritten:";

17
18 and on page 19, line 41, through page 20, line 4, by rewriting those lines to read:
19 "(g) No building permit shall be issued pursuant to subdivision (1) of subsection (a) of this
20 section where the cost of the work is forty thousand dollars (\$40,000) or more, other than for
21 improvements to an existing single-family residential dwelling unit as defined in G.S. 87-15.5(7)
22 that the owner occupies as a residence, or for the addition of an accessory building or accessory
23 structure as defined in the North Carolina ~~Uniform Residential Building Code~~, the use of which
24 is incidental to that residential dwelling unit, unless the name, physical and mailing address,
25 telephone number, facsimile number, and electronic mail address of the lien agent designated by
26 the owner pursuant to G.S. 44A-11.1(a) is conspicuously set forth in the permit or in an
27 attachment thereto. The building permit may contain the lien agent's electronic mail address. The
28 lien agent information for each permit issued pursuant to this subsection shall be maintained by
29 the inspection department in the same manner and in the same location in which it maintains its
30 record of building permits issued. Where the improvements to a real property leasehold are
31 limited to the purchase, transportation, and setup of a manufactured home, as defined in



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1 G.S. 143-143.9(6), the purchase price of the manufactured home shall be excluded in determining
2 whether the cost of the work is forty thousand dollars (\$40,000) or more.";

3
4 and on page 21, line 13, by rewriting the line to read:

5 **"MODIFY PERMIT EXEMPTIONS AND RESTRICTIONS WITH RELATED**
6 **GENERAL CONTRACTOR LICENSURE AND CONFORMING CHANGES";**

7
8 on page 22, line 5, by rewriting the line to read:

9 "...

10 (a1) Any person, firm, or corporation, upon making application to the building inspector
11 or other authority of any incorporated city, town, or county in North Carolina charged with the
12 duty of issuing building permits pursuant to G.S. 160D-1110 for any improvements for which
13 the combined cost is to be ~~thirty-four~~ thirty-four thousand dollars (~~\$30,000~~)(\$40,000) or more, other than
14 for improvements to an existing single-family residential dwelling unit as defined in
15 G.S. 87-15.5(7) that the owner occupies as a residence, or for the addition of an accessory
16 building or accessory structure as defined in the North Carolina Uniform Residential Building
17 Code, the use of which is incidental to that residential dwelling unit, shall be required to provide
18 to the building inspector or other authority the name, physical and mailing address, telephone
19 number, facsimile number, and email address of the lien agent designated by the owner pursuant
20 to G.S. 44A-11.1(a).

21";

22
23 and on page 23, lines 20-22, by rewriting those lines to read:

24 **"SECTION 2.(g)** G.S. 160D-1110(g) reads as rewritten:

25 "(g) No building permit shall be issued pursuant to subdivision (1) of subsection (a) of this
26 section where the cost of the work is ~~thirty-four~~ thirty-four thousand dollars (~~\$30,000~~)(\$40,000) or more,
27 other than for improvements to an existing single-family residential dwelling unit as defined in
28 G.S. 87-15.5(7) that the owner occupies as a residence, or for the addition of an accessory
29 building or accessory structure as defined in the North Carolina Uniform Residential Building
30 Code, the use of which is incidental to that residential dwelling unit, unless the name, physical
31 and mailing address, telephone number, facsimile number, and electronic mail address of the lien
32 agent designated by the owner pursuant to G.S. 44A-11.1(a) is conspicuously set forth in the
33 permit or in an attachment thereto. The building permit may contain the lien agent's electronic
34 mail address. The lien agent information for each permit issued pursuant to this subsection shall
35 be maintained by the inspection department in the same manner and in the same location in which
36 it maintains its record of building permits issued. Where the improvements to a real property
37 leasehold are limited to the purchase, transportation, and setup of a manufactured home, as
38 defined in G.S. 143-143.9(6), the purchase price of the manufactured home shall be excluded in
39 determining whether the cost of the work is ~~thirty-four~~ thirty-four thousand dollars (~~\$30,000~~)(\$40,000) or
40 more."

41 **SECTION 2.(h)** G.S. 44A-11.1(a) reads as rewritten:

42 "(a) With regard to any improvements to real property to which this Article is applicable
43 for which the costs of the undertaking are ~~thirty-four~~ thirty-four thousand dollars (~~\$30,000~~)(\$40,000) or

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1 more, either at the time that the original building permit is issued or, in cases in which no building
2 permit is required, at the time the contract for the improvements is entered into with the owner,
3 the owner shall designate a lien agent no later than the time the owner first contracts with any
4 person to improve the real property. Provided, however, that the owner is not required to
5 designate a lien agent for improvements to an existing single-family residential dwelling unit as
6 defined in G.S. 87-15.5(7) that is occupied by the owner as a residence, or for the addition of an
7 accessory building or accessory structure as defined in the North Carolina Uniform Residential
8 Building Code, the use of which is incidental to that residence. The owner shall deliver written
9 notice of designation to its designated lien agent by any method authorized in G.S. 44A-11.2(f),
10 and shall include in its notice the street address, tax map lot and block number, reference to
11 recorded instrument, or any other description that reasonably identifies the real property for the
12 improvements to which the lien agent has been designated, and the owner's contact information.
13 Designation of a lien agent pursuant to this section does not make the lien agent an agent of the
14 owner for purposes of receiving a Claim of Lien on Real Property, a Notice of Claim of Lien
15 upon Funds, a Notice of Subcontract, or for any purpose other than the receipt of notices to the
16 lien agent required under G.S. 44A-11.2."

17 **SECTION 2.(i)** G.S. 89D-12(c) reads as rewritten:

18 "(c) A landscape contractor licensed under this Chapter is not required to be licensed as a
19 general contractor under Article 1 of Chapter 87 of the General Statutes if the licensed landscape
20 contractor is performing landscape construction or contracting work valued at an amount greater
21 than ~~thirty-four~~ thirty thousand dollars ~~(\$30,000)-(\$40,000).~~"

22 **SECTION 2.(j)** This section becomes effective October 1, 2023, and subsections (b)
23 through (g) of this section apply to permit applications for construction, installation, repair,
24 replacement, remodeling, renovation, or alteration projects submitted on or after that date.";

25
26 and on page 23, lines 24-48, by rewriting those lines to read:

27 **"AUTHORIZE ALTERNATIVE PAVEMENT DESIGN STANDARDS WITHIN**
28 **DEVELOPMENTS**

29 **SECTION 3.(a)** G.S. 160D-804 is amended by adding a new subsection to read:

30 "(j) Private Driveway Pavement Design Standards. – The regulation shall not require
31 pavement design standards for new private driveway construction that are more stringent than
32 the minimum pavement design standards adopted by the North Carolina Department of
33 Transportation. Notwithstanding any regulation adopted by the local government, the local
34 government must accept engineered pavement design standards that do not meet minimum
35 standards required by the Department of Transportation if the proposed design standard is signed
36 and sealed by a duly licensed professional engineer, under Chapter 89C of the General Statutes,
37 and meets vehicular traffic and fire apparatus access requirements. This subsection applies to
38 construction of new privately owned driveways, parking lots, and driving areas associated with
39 parking lots within a new development or subdivision that the developer designates as private
40 and that are intended to remain privately owned after construction. If driveways, parking lots,
41 and driving areas associated with parking lots are constructed to pavement design standards that
42 do not meet minimum standards required by a regulation adopted by the local government, as
43 authorized by this subsection, the developer must include disclosures to prospective buyers as

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1 outlined in G.S. 136-102.6(f) prior to entering into any agreement or any conveyance with any
2 prospective buyer. A local government is discharged and released from any liabilities, duties, and
3 responsibilities imposed by this Article, or in common law, from any claim arising out of, or
4 attributed to, the plan review or acceptance of signed and sealed pavement design standards
5 submitted pursuant to this subsection. Nothing in this section limits the authority of local
6 governments or the Department of Transportation to regulate private roads, driveways, or street
7 connections to a public system, or to regulate transportation and utilities, pursuant to subsection
8 (c) of this section, or as otherwise authorized by law."";
9

10 and on page 17, lines 13-34, by rewriting those lines to read:

11 "(d) Except as provided in G.S. 160D-1117 and G.S. 160D-1207, a local government may
12 not adopt or enforce a local ordinance or resolution or any other policy that requires regular,
13 routine inspections of buildings or structures constructed in compliance with the North Carolina
14 Residential Code ~~for One and Two Family Dwellings~~ in addition to the specific inspections
15 required by the North Carolina State Building Code without first obtaining approval from the
16 ~~North Carolina Building Residential~~ Code Council. A local government may not adopt or enforce
17 a local ordinance or resolution or any other policy that requires routine exterior sheathing
18 inspections for structures or dwellings covered by the North Carolina Building Code or North
19 Carolina Residential Code located in a region where the ultimate wind speed is less than 140
20 miles per hour. The ~~North Carolina Building Residential~~ Code Council shall review all
21 applications for additional inspections requested by a local government and shall, in a reasonable
22 manner, approve or disapprove the additional inspections. This subsection does not limit the
23 authority of the local government to require inspections upon unforeseen or unique circumstances
24 that require immediate action. In performing the specific inspections required by the North
25 Carolina Residential ~~Building~~ Code, the inspector shall conduct all inspections requested by the
26 permit holder for each scheduled inspection. For each requested inspection, the inspector shall
27 inform the permit holder of instances in which the work inspected is incomplete or otherwise
28 fails to meet the requirements of the North Carolina Residential Code ~~for One and Two Family~~
29 ~~Dwellings~~ or the North Carolina State Building Code. When a subsequent inspection is
30 conducted to verify completion or correction of instances of Code noncompliance, any additional
31 violations of the Code noted by the inspector on items already approved by the inspections
32 department shall not delay the issuance of a temporary certificate of occupancy, and the
33 inspections department shall not charge a fee for reinspection of those items.";
34

35 and on page 24, lines 6 and 16, by deleting the number "150" and substituting the number with
36 "140".

SIGNED _____
Amendment Sponsor

SIGNED _____
Committee Chair if Senate Committee Amendment

ADOPTED _____ FAILED _____ TABLED _____